

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

IN RE: C.R. BARD, INC.,  
PELVIC REPAIR SYSTEM  
PRODUCTS LIABILITY LITIGATION

MDL 2187

---

THIS DOCUMENT RELATES TO:

*Miller v. C. R. Bard, Inc., et al.*

Civil Action No. 2:14-cv-30440

**ORDER**

(Dismissing Bard without Prejudice and Transferring Case to MDL 2327)

Before the court is a Stipulation of Dismissal without Prejudice, filed jointly by the parties pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure [ECF No. 11]. Also before the court is the plaintiff's Motion to Transfer MDLs, seeking to transfer this civil action from MDL 2187 to MDL 2327, the appropriate remaining MDL.

The court **ORDERS** that the Stipulation of Dismissal with Prejudice is **APPROVED**. Defendant C. R. Bard, Inc. is **DISMISSED WITHOUT PREJUDICE** from this civil action. The court further **ORDERS** that the plaintiff's Motion to Transfer MDLs is **GRANTED**; this action is **TRANSFERRED** to MDL 2327.

Pursuant to Bard MDL Pretrial Order No 275 as amended by PTO No 283 (Amended Docket Control Order – C. R. Bard, Inc. Wave 7 Cases), which states the following,

Transfer of any Wave 7 case to any other MDL, whether by ruling upon a motion from plaintiff or defendants or *sua sponte* by the court, does not relieve the plaintiff or any remaining defendant(s) from the deadlines of a Docket Control Order. Any cases transferred into American Medical Systems, Inc. ("AMS"), Boston Scientific Corporation ("BSC") or Ethicon, Inc. ("Ethicon") MDLs will immediately be subject to the Docket Control Order entered in

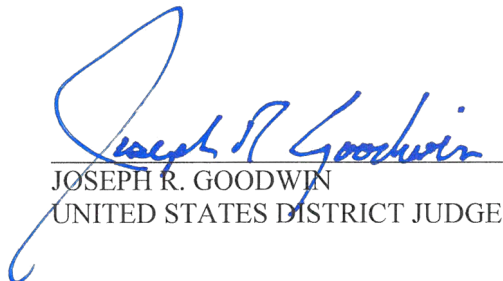
that MDL on January 30, 2018, and any Amended Docket Control Orders[.]

this case, which resided previously in Bard Wave 7, is now subject to PTO Nos. 280 and 303 entered in MDL 2327. To the extent an Amended Short Form Complaint has not been filed, the court **DIRECTS** plaintiffs' counsel to file the appropriate Amended Short Form Complaint within two weeks of the date of this Order.

The court **DIRECTS** the Clerk as follows:

- (1) disassociate this civil action as a member case in MDL 2187 and re-associate it with MDL 2327;
- (2) file MDL 2327, PTO Nos 280 and 303 in this individual case;
- (3) change the 2187 Wave 7 flag to a MDL 2327 Wave 8 flag; and
- (4) send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: August 15, 2018



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE